IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2549 OF 2006

Maqbool Ahmed Khan. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.M.S.Kadu, Advocate for the Applicant.
Mr.S.S.Tatkare,APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 18-7-2006.

P.C.

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.81/2006 registered by Wadala Police Station, Mumbai for alleged offences under Section 420, 465 and 471 read with 34 of the I.P.C. On reading the F.I.R. filed by one Prabhakar Raut, it is clear that the complainant is due of an amount of Rs.35,06000/- from the accused Badruddin Khan who is absconding and the present applicant. From the complaint, it appears that Smt. Sen was involved in the matter. She introduced the complainant to Badruddin Khan and later accompanied him to meet the applicant. It is also mentioned in the F.I.R. that said Smt.Sen informed the complainant that his work relating to copper material has been completed and asked him to pay further amount of Rs.22,44,000/-. However, it further appears that the charge sheet has not been filed against

said Smt.Sen nor she was arrested. Be that as it may, A.P.P. fairly states that the custody of the applicant is not required as the charge sheet is already filed and amount of Rs.2,50,000/- has been recovered from which amount was directly paid to him as custom and misc. charges. As far as balance amount, F.I.R. is vague and it is stated that same is paid to Badruddin and the applicant. The applicant has been in custody for a period of about two months. In my view, the case can proceed without further custody of the applicant. I am therefore, inclined to grant bail to the applicant subject to stringent conditions particularly as there are two earlier offences registered against the present applicant by M.R.I. Police Station and Yellow Gate Police Station. Both the offences are under Section 420 of the I.P.C. In the offence registered by M.R.I. Police Station, he has been acquitted and other case is still pending.

. It is therefore, directed that pending his trial, the applicant may be released on bail in the sum of Rs.50,000/-(Fifty thousand) with one surety in the like amount subject to the condition that he should report to the Investigating Officer at Wadala Police Station once in a month on every first Monday between 5.00 to 7.00p.m., till the disposal of the trial and on further condition that he should not be issued a pass port till

completion of the trial. On instructions from his client the Advocate for the applicant made a statement that a pass port has not been issued in favour of the applicant by the pass port authorities till today.

2. Application is disposed off.

(R. S. MOHITE, J.)